

From: [Mark Pruner](#)
To: [Comments_DeltaConservancy](#)
Cc: [REDACTED]
Subject: Comment Email from Mark Pruner
Date: Friday, April 20, 2012 5:47:00 PM

Dear Delta Conservancy:

Thank you for your efforts and the work you put into development of your draft Strategic Plan. Please review and incorporate the following comments into your next drafts:

1. Emphasize commitment to ensure that all projects do not disturb, and in fact enhance, the ability of local government (such as schools, reclamation districts, fire districts, library resources, and other local districts) to deliver their services to the residents, businesses and visitors in the Delta.
2. Provide support for the increased impact upon local government and local districts in the Delta which are created during, and by virtue of, all projects and activity in which the Conservancy participates.
3. Establish clear and understandable descriptions, definitions and quantitative statements so that the public easily understands what is mean by "restoration" wherever that term appears.
4. Incorporate flood protection up to 200-year protection level, access to surface water for all parcels, and viewing recreation and tourism in ways that always enhance agriculture in all projects.
5. Commit to consistent public outreach to the residents and businesses in the Delta.
6. At all times approve only projects which enhance and protect the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. (CPRC sec 29702.)

Thank you.

Please contact me with any questions.

Mark Pruner
[REDACTED]
Clarksburg, CA 95612
[REDACTED]

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



April 20, 2012

Mr. Campbell Ingram
Executive Officer, Delta Conservancy
3500 Industrial Blvd., Second floor
West Sacramento, California 95691

Dear Mr. Ingram,

Thank you for the opportunity for the Department of Water Resources (DWR) to provide comments on the Delta Conservancy's (Conservancy) preliminary Draft Strategic Plan (DSP). The Department congratulates the Conservancy for its open and collaborative public outreach approach to developing the content, direction, and focus of its DSP effort. DWR is pleased to provide some general comments below and additional specific comments and edits in the attached form.

Organization of the DSP would benefit from an Overview section or Foreword that includes the information on page 30 regarding *Future Opportunities for Input* that sets the stage for describing the overall process of developing the final plan.

Generally, the document does a good job of elaborating the intentions of the legislation that established the Conservancy and in describing its understood roles and responsibilities as they compare to the Delta Stewardship Council and the Delta Protection Commission. There are many nuanced and parallel roles that have developed within and between agencies working in the Delta, which may present challenges to planning and implementation and coordination of Conservancy actions.

The DSP, for example, identifies there are many demands and interests in the Delta with varied expected outcomes or results. This is highlighted specifically in the context of "co-equal responsibilities" of the Conservancy to be a primary lead for Delta restoration efforts and advancing economic well being of Delta residents. The goals set out in the DSP capture these concepts broadly but appear to de-emphasize its lead agency role of ecosystem restoration. Based on the Conservancy's comments in public and supporting legislation, the Conservancy will be a major participant and manager of restoration projects. While DWR applauds the Conservancy's efforts to build collaboration and trust with Delta stakeholders with their Strategic Plan, the Strategic Plan needs to be careful about raising expectations that may in the future cause issues with the administration of these projects and programs.

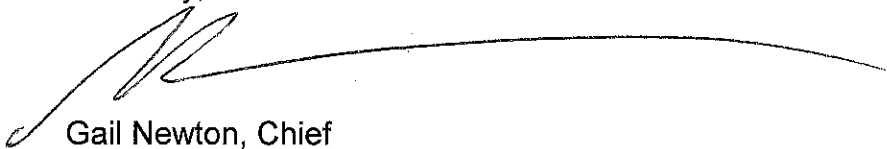
The DSP identifies the twelve efforts under the role of the Conservancy. These are broad in scope and may present implementation challenges, and perhaps conflicts. It will be important to be forward-looking and consider actions in the context of climate change adaptation, economic risks (to the State and region), and potential benefits of a shifting economy (such as carbon-based, Cap and Trade). Addressing the resiliency of the entire Delta system and its ability to recover from significant disturbances will be a key concept in integrating and delivering restoration and economic benefits. Climate change is addressed in Goals 1 and 2, but could possibly be put into a more developed climate change strategy that considers what resiliency means to the Delta and its future.

Funding limitations will be challenging. It will be important to build on collaborative partnerships with other agencies, especially among those agencies that have funding and specific mandates for restoration or protection of Delta investments. This collaboration will be strategically important for the Conservancy in the near term to leverage State, federal, or local funds that are available for Delta actions. The role of coordinator and collaborator will be an important strategy on which the Conservancy could foster and focus. With this in mind, the Conservancy should broaden its ability to assume land management under various circumstances, which could support the goals of restoring contiguous parcels.

DWR looks forward to a future working with the Delta Conservancy in achieving multiple common goals and objectives. This Strategic Plan is going to be an important platform from which the Conservancy can evolve and move forward in carrying out its mandates.

If you have any questions regarding the comments provided here, please contact me at (916) 651-7052; gnewton@water.ca.gov, or Ted Frink at (916) 651-9618; tfrink@water.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to be 'Gail Newton', with a long, sweeping horizontal line extending to the right.

Gail Newton, Chief
FloodSAFE Environmental Stewardship
and Statewide Resources Office

Delta Conservancy Strategic Plan – Public Review Document Review Comment Form

Please use this form to document your comments. Please number your comments in the first column, indicate your agency affiliation in the second column, and reference the comment's location in the review document in the Section, Page, and Line (if provided) columns.

To be of the greatest value to the document development process, please make your comments as specific as possible (e.g., rather than stating that more current information is available regarding a topic, provide the additional information [or indicate where it may be acquired]; rather than indicating that you disagree with a statement, indicate why you disagree with the statement and recommend alternative text for the statement). Do not enter information in the Resolution column.

Document: **DELTA CONSERVANCY STRATEGIC PLAN**

Name: Ling Chu, C. Caldwell, P. Lindholm, C. Hallinan, T. Frink

Affiliation: DWR

Date: April 20, 2012

No.	Agency	Page No.	Section No.	Line No.	Comment	Disposition
1	DWR	General			As the Delta Conservancy (DC) is directed by the Legislature as a primary state agency to implement ecosystem restoration , commitments made in this document may foreclose opportunities for the DC in accomplishing their primary goal, such as requiring full economic and environmental mitigation for all activities.	
2		3		30-31	Formatting (indent)	
3		6	TOC	20	List Appendices here in index	
4		7	I	24-28	Switches between singular (institution, entity) and plural (conservancies)	
5		8	I	3	"Co-equal responsibilities" (capture whole term as used throughout document)	
6		8	I	10	Should read "Conservancy's"; Consider capitalizing Mission and feature it in Section 1.	
7		8	I	14	Suggest revising language to Acres "face" numerous challenges	
8		12	II	6	Include citation for consistency with next bullet (PRC 32322(a))	
9		12	II	footnote	Include Act reference in narrative rather than footnote	
10		14	II	28	Capitalize "Mission Statement"	

No.	Agency	Page No.	Section No.	Line No.	Comment	Disposition
11		17	III	16-17	This description is unclear. Is DC prohibited from developing regulations through typical rule-making process (LAO revising CA Code of Regulations) vs. prohibited from pursuing any eminent domain process/procedure? (see p. 55, line 7)	
12		17	III	23-25	Not sure that other conservancies cannot so act; WCB funds acquisitions of water rights; SCC does act in watersheds that affect the coastal zone, sometimes quite far inland.	
13		17	III	26	Does this mean to state that all other conservancies established concurrent with provision of bond funding in particular?	
14		18	III	1	Change verb to active tense to read: The DC "operates within...."	
15		18	III	8	Provide reference for "Comprehensive water legislation in 2009"	
16		19	III	4	Provide reference for "Comprehensive Water Package"	
17		20	III	1	"The ----- Act" (specify which Act -- only referenced early on page 5, in footnote on page 12 -- recommend inclusion within narrative)	
18		20	III	1-11	Move to page 18 (prior to graphic).	
19		20	III		Standardize Delta Plan (DP) page references and define acronym before using; see also p. 24, line 21	
20		20	III	20-23	<p>"The Delta Plan contains no enforceable regulations pertaining to Delta economic enhancement activities, but <i>it will establish performance measure seeking maintenance or increase of the gross revenues of Delta agriculture</i>, Delta recreation, and Delta ecotourism-agri-tourism (DP p. 200)."</p> <p>(emphasis added)</p> <p>Any establishment of performance measures which seek to maintain/increase gross revenues – especially for agriculture –fails to consider the many factors which can and do influence gross revenues including markets, weather, etc.</p>	
21		21	III	17	Spell out RMP and/or include in acronyms	
22		21	III	22, 25, 29, etc.	This reference to "RMP" Land Use Policy P-2 is unclear. Does "P-2" (and subsequent uses) refer to page number?	

No.	Agency	Page No.	Section No.	Line No.	Comment	Disposition
23		22	III	8	Delete acronym SPFC; it is not used elsewhere in document.	
24		22	III	20	Provide the date of Suisun Marsh Plan.	
25		23	III	18	Standardize reference e.g.: (2012 ESP, p. 276)	
27		27	IV	24, 28, 30	Does "emphasis supplied" mean "emphasis added", or "supplied within original text"?	
28		27	IV	31-33	Please consider rephrasing, sentence is challenging to follow.	
29		28	IV	6, 22	Use of the term "Delta Finance Plan" here maybe ambiguous to readers. What document does this refer to? If it is a DC document it would be clearer to state specifically this would be the Conservancy's Plan. This would clarify the intent from other agencies' "Delta Finance Plan".	
30		28	IV	8	Statement to "mitigate or compensate the community, landowner, industry, or entity" seems very broad, and may be construed as mitigating further than what CEQA or NEPA require. Also see statement #1	
31		28	IV	9	Need to fix text and update the current wording "in detail in Section --," to "Section VI"	
32		28	IV	10	Change text to "Implementing" the Strategic Plan (per chapter title).	
33		29	IV	5	Process of preparing this "Strategic Plan" (not "draft plan")	
34		29	IV	6, 15, 29, etc.	We suggest indenting/bulleted the four listed criteria areas so it's clear they're subheadings under the "Criteria" heading on p. 28, line 25.	
35		29	IV	17	"Ensure Conservancy projects maintain or improve levee stability on Conservancy owned lands". This seems like it could go against certain possible restoration opportunities. Suggested wording could be "where appropriate" or "when necessary". For restoration purposes the Conservancy might not want or need flood safe levees on all of their properties.	
36		29	IV	20	We suggest the following change to text: The Conservancy "will create permeable boundaries" This removes 2 negatives in the sentence.	

No.	Agency	Page No.	Section No.	Line No.	Comment	Disposition
37		30	IV	3, 5-6	Include definitions in glossary for terms used in the report for Delta Restoration Network, Independent Technical Advisory Board; you may want to consider describing in a sidebar.	
38		30	IV	3, 16	Throughout the document check for use of standardize references "(see Goal x in Section VI)" for consistency.	
39		30	IV	7-16	<p><i>"Mitigation of Impacts. The Conservancy will be sensitive to impacts, both direct and indirect, of its program. Where there is unavoidable impact the Conservancy will mitigate or compensate the community, landowner, industry, or other entity that may be affected. Mitigation or compensation may come in the forms of financial assistance, in kind services, implementation of programs that assist the affected parties, or other means that have yet to be identified or defined. The Conservancy will work with affected parties to determine appropriate mitigation compensation. The Conservancy does not intend to support programs or activities that produce impacts that are not mitigated, or for which adequate mitigation is not practical to achieve (see Goal 5 in Section V). "</i> (emphasis added)</p> <p>This language is overbroad.</p>	
40		30	IV	18	Written text of "third phase" should be changed to "Phase III", for consistency with first two phases as identified in this section.	
41		31	V		Suggest starting with Goal 6, since it establishes organizational structure, and introduces the Joint Powers Authority, economic enhancement task forces, Committees for Economic Development & Restoration, Economic Enhancement and Ecosystem Restoration Programs, etc., which are referenced in previous Goals.	
42		32	V	24	Suggest that Southern CA water users could benefit from increased understanding of Delta issues as well.	

No.	Agency	Page No.	Section No.	Line No.	Comment	Disposition
43		33	V	30-31	Make the statement clear that assistance will not be to individual farmers but to benefit all or most all farming activities in supporting marketing. Avoid 'gifts' of public funds wording.	
44		34	V	1	Incorporate/consolidate with Objective 7.7	
45		35	V	2	Incorporate into Objective 1.4 as well.	
46		35	V	14	Strategy 1.8.1 should include coordination with DWR and CA Emergency Management Agency (CalEMA) as well.	
47		35	V	17	Except where levees are to be removed as part of a project. Could use some clarification.	
48		36	V	18-22	[with regard to Lead economic enhancement activities that support the Delta ecosystem and economy]" <i>In addition, as described in Goal Eight, the Conservancy will design restoration projects to promote continued economic use of the restored lands. Development of these efforts will include seeking appropriate legal advice to ensure activities do not create extra regulatory burden for farmers and other landowners.</i> " (emphasis added). This language is vague or overbroad and may result in unreasonable expectations.	
49		38	V	9, 13	2.4.6 seems to be a subset of 2.4.7; reverse order, or combine the two.	
50		38	V	26	May also want to include State agriculture support programs.	
51		41	V	5-6	Should include reference to being able to establish and utilize endowments to fund long term maintenance and monitoring of restoration projects especially as it relates to crediting by regulating agencies.	
52		41	V	27-28	Sustainability objectives may not align with regional plans, so consider how to frame this in the text. How can DC work with regional plans to meet sustainability objectives?	

No.	Agency	Page No.	Section No.	Line No.	Comment	Disposition
55		38	V	29-31	For Objective 2.6 (assist Delta farmers in identifying feasible opportunities to profit from carbon storage activities under CA Air Resources Board (CARB's) cap-and-trade system) - until a protocol for wetlands is approved by CARB the market for carbon sequestration will be limited. Consider adding a strategy to this objective for the development of a wetland carbon protocol to help facilitate Delta farmer participation in the cap-and-trade system.	
56		41	V	2	Distinguish framework from Network. Further describing what the framework would be could be helpful.	
57		41	V	30	Include Delta Science Program in Glossary	
58		42	V	13	See Goal 6 (re: JPA), describe intention more thoroughly in the text. 3.1.5 and 6.1.2 strategies seem duplicative regarding JPA; Possibly strike JPA from 3.1.5.	
59		43	V	15	Tie to Strategy 5.4.1 and 5.4.2 since the use of Safe Harbor and "Good Neighbor" policies overlap with managing endangered species and land stewardship.	
60		44	V	1 & throughout	Specify "conservation easement" or abbreviate "CE" rather than using the term "easement" which can be used for alternate concepts or forms of easements.	
61		44	V	24	Define turnkey "mitigation" projects.	
62		44	V	29	3.6.1 seems to be the primary strategy by which DC commits to actual implementation of projects. Tie in with objectives 5.1, 5.2.	
63		45	V	23	Certain restoration projects may not lend themselves to conservation easements or other deed restrictions, e.g. hedgerow projects. Consider deed restrictions that require a long performance term (e.g. 20 and 25 years for WCB & SCC).	
64		46	V	15	Check spelling/use of "adaptively" in the sentence.	

No.	Agency	Page No.	Section No.	Line No.	Comment	Disposition
65		46	V	28	Add to Glossary (Independent Technical Advisory Board)	
66		47	V	18	Add to Glossary (Independent Science Board)	
67		49	V	24	Is actual implementation also intended, in addition to assessment? (tie to 3.6?)	
68		49	V	30	Partnerships in this strategy may mean with "private" land owners, as opposed to public (e.g. DWR) landowners. May want to consider mentioning Reclamation Districts here as well.	
69		50	V	30	Is 5.4.2 also known as "good neighbor" policy? (acknowledge/tie to 3.3.1?)	
71		53	V		Framework/Network distinction would be helpful to describe in the plan.	
72		54	V	8	See also Goal 7	
73		55	V	7	Compare to p.17, lines 16-17, not authorized to develop regulations; cite CA Code of Regulations sections	
74		55	V	15 on	These reporting items might be better placed in the introductory chapter.	
75		56	V	21	Grant program policies would best be developed as part of the actual grant program (line 24). Would suggest moving that reference to that paragraph. It's difficult to imagine developing policies without the funding source/program identified.	
76		57	V	"4-5	Sentence is missing a verb.	
77		57	V	13	Aspire to higher standard than "adequate"? "positive"? "productive"?	
78		58	V	5-6	Delete colon on page 5; Delete semicolon on page 6	
79		59	V	"9-15	Integrate into 1.4	
80		60	V	18-19	Glossary: Delta Regional Finance Plan (more information or a sidebar is needed)	
81		58, 60	V	10 & 27	Suggest adding "as needed" to existing language; or replace with "work with DOF and Administration to identify funding needs"... BCPs are confidential documents internal to the administration.	

No.	Agency	Page No.	Section No.	Line No.	Comment	Disposition
82		61	V	15	Consider partnering with DFG to utilize the higher-interest bearing endowment account program that should be up and running in 2012	
84		67	VI	6	Need to correct word here to "consistent" with planning rules....	
85		68	VII		It would help the reader to try and identify a general schedule for updating plan here.	
86		69	VII	15	Hoffman-Floerke (correct spelling error)	

LOCAL AGENCIES OF THE NORTH DELTA

1010 F Street, Suite 100, Sacramento, CA 95814 (916) 455-7300

deltalandcoalition@gmail.com

April 20, 2012

SENT VIA EMAIL (comments@deltaconservancy.ca.gov)

Campbell Ingram
Executive Officer
Sacramento-San Joaquin Delta Conservancy
3500 Industrial Boulevard, Second Floor
West Sacramento, CA 95691

RE: Comments on Delta Conservancy Strategic Plan

Dear Mr. Campbell:

Local Agencies of the North Delta (“LAND”) is a collaboration of special districts focusing on public policy and regulatory changes in the Delta. LAND participants include: Reclamation Districts 3,150, 307, 349, 551, 554, 755, 813, 999 and 1002, covering over 70,000 acres within the Delta. Some of these agencies provide both water delivery and drainage services, while others only provide drainage services. These districts also assist in the maintenance of the levees that provide flood protection to farms and local communities.

LAND appreciates the considerable effort that the Sacramento-San Joaquin Delta Conservancy and its consultants have put into the Strategic Plan (“Plan”). The document is clear, well-referenced, and effectively presents the mission, constraints, organizational structure and Plan. This Plan also appears to incorporate local stakeholder input much more than several other top-down resource management documents currently under preparation.

Importantly, the Conservancy recognizes that the economic and ecological success of the Delta includes its significant and sustainable agricultural base. That agricultural base is dependent on the reclamation and other special districts to manage flood waters and provide crop water. The tight interconnection between agriculture and local districts has also effectively served habitat and promotes stewardship, including maintaining riparian habitat, where possible, on levees.

The Conservancy’s authority to act as a primary agency to implement ecosystem restoration and support efforts to restore the Delta ecosystem and protect the economic well-being of Delta residents are critically important to our shared future. However, lofty

goals often are never met because of ineffective or spurious objectives and inadequate monitoring. For example, ecosystem restoration has varying levels of success and cannot be assessed by simple metrics such as acreage alone.

We encourage the Conservancy to continue to work on “Protect[ing] and preserve[ing] Delta agriculture and working landscapes under Public Resources Code section 32301, subdivision (i). We appreciate the Conservancy’s focus on cooperation with local partners and recognition that the current economic well-being of Delta residents should not be set aside for the demands of others. The Delta is much more than a water supply hub and important habitat for species.

We also agree with and support the Conservancy’s mandate not to exercise the power of eminent domain. (Pub. Resources Code, § 32370.) We caution, however, that the Conservancy also should not be the *de facto* recipient of eminent domain transfers from other entities in an attempt to subvert this statutory requirement. The Plan could be strengthened by inclusion of a policy in this regard.

The Conservancy should also commit to coordinate with local reclamation, water and other special districts, for its restoration activities. Flood fighting access, levee maintenance, and drainage considerations are tightly constrained in the Delta. Levee encroachments should be minimized and restoration levee design and drainage management should be coordinated with the local districts. It is important to identify that often the success of local restoration projects requires invasive weed management and management of floods, both activities supported by districts. Conversely, some restoration projects can have significant weed problems and induce flooding or drainage impacts on districts and the neighboring agricultural activities that require funding for management in perpetuity. By working together, the districts and the Conservancy can achieve mutually beneficial effects at significantly lower costs to meet the Conservancy’s goal of Mitigation of Impacts. (Plan, p. 30.)

While the Goals and Objectives generally seem reasonable and well-developed, we have the following comments:

- Goal 1, Strategy 1.7.3 could include developing programs (and targeting) for Delta students to participate in these academic efforts in internships and through scholarships.
- Goal 1, Objective 1.6 should include a specific approach to managing methylmercury and organic carbon from restoration projects.
- Goal 2, Objective 2.2 (also relates to Objective 3) could be expanded by including a certification program for sustainable Delta agriculture. Farmers in the Delta implement a wide range of sustainable practices that conserve water and improve

water quality. For instance, many grape growers are “certified sustainable” under the Lodi Rules Sustainability Program. This is an intensive, third party audited program that covers all aspects of wine grape growing. Other certification programs are available for other types of crops and could simultaneously promote economic and environmental sustainability goals.

- Objective 2.5 (Assist in enhancing Delta agriculture), could be more fully developed by the addition of:
 - Identification of agricultural grant programs and support of conservation reserve/wildlife habitat improvement, projects; and
 - Pilot terrestrial and aquatic weed management programs, underseepage management, projects.

We appreciate the significant time and energy that went into the development of the Plan and look forward to working with you and your staff to better develop the details and implement the Plan in a manner that protects and preserves Delta agriculture and working landscapes.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 

Osha R. Meserve

cc: Doug Brown (browndoug@att.net)
Phil Pogledich (philip.pogledich@yolocounty.org)
Melinda Terry (melinda@northdw.com)
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San Francisco State University News Bureau

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#56

Contact: Rol Risska

November 19, 1987

FOR IMMEDIATE RELEASE

SAN FRANCISCO STATE SCIENTISTS TO TESTIFY AT WATER HEARINGS: HEALTH OF BAY FISHERIES SERIOUSLY THREATENED BY WATER DIVERSION

Excessive water withdrawals during the past decade have significantly reduced annual river and delta discharges into San Francisco Bay resulting in economic losses of \$2.6 billion due to declines in catch of striped bass, salmon and steelhead trout between 1965-86.

These water withdrawals—coupled with very low natural flows during extreme drought years such as 1976-77—have contributed greatly to the serious deterioration of the Bay's resources—especially its fish life.

"The Role of Water Diversions in the Decline of Fisheries of the Delta-San Francisco Bay and Other Estuaries," a technical report based on the previous work of San Francisco State scientists Michael Rozengurt, Michael Herz and Sergio Feld of the University's Paul F. Rombert Tiburon Center for Environmental Studies, will be the basis for testimony to be given during the fresh water inflow portion of the State Water Control Board Bay-Delta Water Rights Hearings beginning Nov. 23 and continuing through Dec. 1 at the Contra Costa Water District Offices in Concord. Rozengurt and Herz will testify.

Their work investigates the modification of fresh water inflow to the Delta and Bay which has occurred since the completion of the Central Valley and State Water Projects. It compares annual commercial and recreational catches of salmon, striped bass and shad, primarily during the pre-project period, with flows several years earlier. A key premise of the research is that flow has the greatest impact during the first seasons of an organism's life.

Results of the study reveal very high correlations between catch and annual and especially spring flows during the previous three to five years, and indicate the quantities of flow required to support optimal fish catches.

Despite the more than \$2 billion spent over the past 25 years on the evaluation and management of the Delta-San Francisco Bay ecosystem, the basic understanding necessary to preserve its health has not been achieved, the report states. Without a clear picture of the complex factors that influence the Delta and Bay living resources and water quality, management decisions have been unable to reverse the decline of resources.

—more—

The Romberg Center research has focused on (1) providing in-depth evaluation of fresh water inflow to the Delta and Bay, (2) assessing the manner in which flow has been modified since the early part of this century (especially during the period following the completion of the major components of the Central Valley Project (CVP) and State Water Project (SWP), and (3) assessing the impacts of flow modification on the fishery resources of the system.

The focus of their most recent research is to use the results of the previous investigation on the modification of fresh water flow to the Delta and Bay to analyze the relationship between flow and commercial and recreational fish catches, especially striped bass.

The 304-page report includes sections on the relationship between fish catch and fresh water flow in estuaries and coastal zones, factors affecting salmon, striped bass and shad populations, and the relationship between flow fluctuations and the commercial and recreational catch of salmon, striped bass and shad.

The research emphasizes that the losses in water supply sustained by the river-Delta-Bay ecosystem results in losses, in millions of tons, of the organic and inorganic matter required to provide adequate ecological conditions for fish life.

Based on their findings, the scientists' report makes recommendations for water standards and criteria to safeguard fisheries' resources. The report also suggests a new type of water classification system which addresses not only water withdrawal needs but also the needs of the entire San Francisco Bay. Such a new system would better safeguard the river-Delta-Bay ecosystem, the scientists maintain.

-30-

Editors: Michael Rozengurt and Michael Herz, co-editors of the report, are available for further comment. Copies of the report are available from the Romberg Tiburon Center: 415/435-1717, or contact the San Francisco State University Office of Public Affairs for assistance.



**State & Federal Contractors
Water Agency**

1121 L Street, Suite 806, Sacramento, CA 95814

Sent via electronic mail

April 19, 2012

Mary Nejedly Piepho
Delta Conservancy
3500 Industrial Blvd.
West Sacramento, CA 95691

Dear Chairwoman Piepho:

The State and Federal Contractors Water Agency (SFCWA) appreciates the opportunity to provide the following and attached comments regarding the Conservancy's draft Strategic Plan (SP) released March 26, 2012. Overall, we find the SP to be well done and consistent with the Conservancy's mission and role as provided in statute. However, through these comments we identify important and specific exceptions to that generally favorable perspective and we look forward to the SP being modified to reflect the concerns expressed and suggestions provided below.

Of particular interest is the lack of specific focus in the SP on the Conservancy developing necessary capacity to take on a management role for habitat projects and lands likely to be initially developed by other entities. The discussion about "leading" a "Delta Restoration Network" overstates the Conservancy's role in planning habitat actions in the Delta, discounts the critical long-term management role of its and potentially others' habitat projects that will be critical to successful ecosystem restoration, and asserts a "first among equals" status that is inappropriate and without substantiation in law. While certainly the Conservancy can and should facilitate improved coordination and work to ensure sponsoring entities and their projects do not work at cross-purposes, that does not mean the Conservancy is "the" leader to develop a master habitat restoration plan for the Delta. While the Conservancy should develop prioritization criteria and protocols for identifying projects to be applicable to Conservancy sponsored projects, they cannot be imposed on others' projects. The Conservancy does not have the authority nor was it given the role to attempt to oversee a "command and control" approach to habitat restoration activities in the Delta. As we note in our specific comments, we hope this was not the intent of the discussion in the draft SP and we suggest the relevant language should be revised to remove such an impression. We would strongly object to the Conservancy seeking to assume an overarching planning and implementation authority vis-à-vis habitat restoration in the Delta that was not contemplated by its enabling legislation.

In addition, the SP does not appear to effectively satisfy the Legislative directive to establish "priorities and criteria for projects and programs". Rather, the SP discusses some aspirational goals and processes to help make progress toward them, but there is very little in the way of specifics related to formulating,

let alone actual identification of, “priorities and criteria for projects and programs” as called for by statute.

Another area of concern is the SP’s various references to the relationship of the Delta Plan to both the Delta Protection Commission’s (DPC) *Land Use and Resource Management Plan* and *Economic Sustainability Plan*. The former must be consistent with the Delta Plan and any element that is not will have to be revised. The incorporation of any, all or none of the latter into the Delta Plan is completely within the discretion of the Delta Stewardship Council. Unfortunately, as written, the SP portrays these relationships in reverse, implying that the DPC’s plans and policies trump the Delta Plan – this is incorrect and language needs to be revised to accurately reflect the primacy of the Delta Plan.

While we recognize that the Conservancy has a multi-faceted mission, we are concerned that the SP perpetuates a supposed priority of preserving agricultural lands as opposed to increasing habitat. We agree that ideally there will be significant expansion of practices that allow for continued farming while also improving habitat values in the Delta. However, the SP incorporates a bias in favor of agricultural preservation to the detriment of the Conservancy’s environmental restoration imperative. The final SP should eliminate that bias.

There is reference to “crediting” habitat acreage creation and preservation of habitat values on agricultural lands. We are unclear what this concept means with respect to the Conservancy which is not a regulatory agency. Just dropping this loaded term into the SP at various spots is confusing, injects unnecessary uncertainty into the SP, and ultimately seems out of place. More background as to how and why this concept was derived and included would be helpful, though we are skeptical that it should remain in the document.

It should come as no surprise that after spending many years and hundreds of millions of dollars, SFCWA member agencies are especially sensitive to the relationship of the Conservancy to the Bay Delta Conservation Plan (BDCP). As supporters of the Conservancy’s creation, we remain confident that it can provide significant value-added to a more coordinated and collaborative approach to the extensive habitat restoration activities that will be taking place in the Delta in the coming decades. However, as noted above and in the attached comments, there are some areas of the SP that raise serious questions as to whether the Conservancy is on the right or wrong track to play such a constructive role. We look forward to working with you to ensure the former is the case.

Sincerely,

A handwritten signature in dark ink, appearing to read "Byron Buck", with a stylized flourish at the end.

Byron M. Buck
Executive Director

Attachment.

STATE AND FEDERAL CONTRACTORS WATER AGENCY COMMENTS
RE: DELTA CONSERVANCY DRAFT STRATEGIC PLAN [3.26.12]

P 8 / L 1-6: While environmental protection and economic well being are identified as “co-equal”, there is no environmental action listed in the description of “efforts” to be made. Seems like adding “habitat restoration” or something like that would be appropriate, and necessary, to include.

P 10 / L 1-3: The Delta Protection Commission’s *Land Use and Resource Management Plan* (LURMP) should not be considered dispositive of any delineation of Delta lands until it has been reviewed by the Delta Stewardship Council for consistency with the Delta Plan. Any part of the LURMP that is inconsistent with the Delta Plan will have to be revised to be consistent with the Delta Plan.

P 10 / L 5-7: The use of the \$3 billion figure should clarify whether that applies to the primary zone or secondary zone or legal Delta or the Delta Counties cumulatively.

P 20 / L 17-19: What does SWRCB flow criteria for the Delta and its tributaries have to do with the Conservancy’s activities? Don’t understand why this is mentioned at all.

P 20 / L 21-22: Reference to Delta Plan performance measure “seeking maintenance or increase of gross revenues of Delta agriculture” is incorrect. This was announced as a “mistake” at DSC meeting when first discussed DPC’s ESP. It should not be included in Conservancy’s document. Points out general problem of referencing anything in 5th Draft of the Delta Plan as definitive since all indications are 6th Draft will be significantly revised.

P 21 / L 9-10: Reference to Water Code Section 85320(a) should be replaced with reference to Water Code Section 85320(e) which mandates “the council shall incorporate the BDCP into the Delta Plan” if certain criteria are met. Only referencing 85320(a) leaves the reader with the impression that incorporation of the BDCP into the Delta Plan is a discretionary action of the DSC, and it is not.

P 21 / L 17-29: This overstates the case as any part of the LURMP that is inconsistent with the Delta Plan will have to be revised or deleted. The various “Land Use Policies” cited are still all subject to consistency review against the final Delta Plan.

P 23 / L 11-13: As with the LURMP, the DPC’s Economic Sustainability Plan is also subject to consistency review by the DSC as measured by the final Delta Plan and incorporation of ESP recommendations, if any, is within the complete discretion of the DSC. This potential constraint should be noted.

P 27 / L 14-17: This citation to the statute regarding the Legislature’s charge to the Conservancy regarding the content of its Strategic Plan should be moved up front and is telling in that the current draft Strategic Plan does not really satisfy the Legislative directive as there are no specific “priorities and criteria for projects and programs” included in the document. It is very general and “preservation of agriculture-centric” which is only one aspect of the Conservancy’s mission and being outcome descriptive with regard to process participation and general aspirations does not equate to specific “priorities and criteria for projects and programs” nor identifying specific projects and programs themselves.

P 30 / 14-16: When it is stated the “Conservancy does not intend to support programs or activities that produce impacts that are not mitigated” it begs the question of who decides? Is this only in reference to the Conservancy won’t undertake such projects itself? Does it mean that it won’t engage with projects

initiated by others that may have unmitigable impacts? The latter would seem problematic and counterproductive. If the former, it is a bit more understandable but it does not make it good policy. There will likely be projects that would be important to pursue consistent with the Conservancy's mission that will have some unmitigable impacts or for which mitigation may not seem "adequate" to some parties, including potentially Conservancy Board members. This is biting off one's nose to spite your face and should be deleted or revised to stress the Conservancy's prioritizing projects that are mitigable.

P 31 / Box: Assuming the goals are not listed in any particular order, it should be stated that is the case. If they are in order of priority, then it seems that Goals 7 and 8 should be moved to the top as without an effective organization and funding nothing will happen.

P 40-41 / 32-3: This section and this sentence in particular imply the Conservancy taking upon itself a leadership role that it was not given by its authorizing legislation. Throughout the document the statement is correctly made that the Conservancy is a primary agency for restoration activities in the Delta. There is no first among equals. This section and sentence should be revised to suggest that the Conservancy will work with other entities on a coordination and collaboration framework without referencing itself as "the primary convener" and "the primary facilitator and synthesizer". As this reads, the Conservancy seems to seek to impose its perspective on others rather than work in a collaborative manner to develop a mutually acceptable framework.

P 41 / L 7-9: The notion of the Conservancy "crediting" "conservation values" is confusing since the Conservancy is not a regulatory agency per se, so "crediting" to what and for whom and why, are all unanswered questions.

P 41 / L 10-11: It is unspecified what the relationship of the "Delta Restoration Network" is to the BDCP and there seems to be an expectation that any entity involved in restoration activities in the Delta would have to engage with the Conservancy and be subsumed in this process. Is that the intent? If so, based on what authority? If an effort to provide voluntary opportunities for coordination and collaboration and joint priority setting, the language should be revised to reflect that rather than asserting a command and control model. In essence, the narrative seems to go well beyond the concepts included in the box on page 42.

P 42 / L 16-17: See comment above per P 41 / L 7-9 regarding "crediting" and unanswered questions.

P 42 / L 22: Replace "Lead" with "Facilitate". This is more consistent with Conservancy role as envisioned by Legislature.

P 43 / L 13-14: See comment above per P 41 / L 7-9 regarding "crediting" and unanswered questions.

P 44 / L 11: What does "broker mitigation projects" mean? This should be explained.

P 44 / L 19-22: What is purpose of purchasing "existing available mitigation credits"? This should be explained.

P 65 / L 14-18: See comments above regarding Conservancy overstepping role vis-à-vis other actors and uncertainty regarding relationship to BDCP restoration activities.

P 65-66 / L 33-1: What does “While the Conservancy would still pursue its objective of defining restoration criteria for the Delta even with the BDCP” mean? This implies potential conflict and working at cross-purposes rather than consistency and collaboration.

P 67 / L 17: See comment above per P 41 / L 7-9 regarding “crediting” and unanswered questions.

From: [Jim Branham](#)
To: [Comments_DeltaConservancy](#)
Cc: [Angela Avery](#); [Tristyn Armstrong](#)
Subject: Comments on Delta Conservancy's Strategic Plan
Date: Friday, April 20, 2012 2:02:16 PM

Thank you for the opportunity to provide input on the Delta Conservancy's Strategic Plan. Because there is a direct link between the water that flows into the Delta and activities occurring in the upper watersheds that provide that water, our comments are primarily focused on including clear recognition of this critical link in the Delta Conservancy's Strategic Plan.

Your Strategic Plan currently includes statements that recognize "... that Delta ecosystem management must consider not only localized contexts but also the way that Delta habitats fit within regional, watershed, and even continental-scale ecosystems" (Chapter II, page 9, lines 17 – 19.) The Sierra Nevada Conservancy believes that the plan would benefit from a more specific, targeted discussion in the regional planning context section in Chapter III (page 18) which clearly identifies the link between the water challenges faced in the Delta and conditions in the upper watershed. We would welcome being identified as a partner in collaborative efforts to enhance not only the Delta, but the watersheds that produce its key feature -- water.

The condition of Sierra Nevada watersheds has a direct effect on water quality and supply, as well as habitat conditions in the Delta. Activities in the watersheds, such as meadow and riparian restoration, forest health restoration, land conservation and reducing the risk and consequence of large damaging fire are critical to downstream needs and benefits, including those in the delta. In our opinion, the failure to recognize the relationship of Sierra Nevada watersheds and the long-term sustainability of the Delta ecosystem in your strategic plan would be a significant omission. We believe it would benefit both of our regions to recognize these connections and to work together to achieve mutual goals.

Thank you for this opportunity to comment on your strategic plan. We look forward to continuing a partnership with the Delta Conservancy into the future and working to address these issues of mutual concern.

Jim Branham, Executive Officer
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Telephone No: (707) 784-6765
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Bill Emlen, Director
Clifford K. Covey, Assistant Director

April 20, 2012

Campbell Ingram, Director
Delta Conservancy
3500 Industrial Blvd.
West Sacramento, CA 95691

RE: Comments on Delta Conservancy Strategic Plan, Dated March 26, 2012

Dear Mr. Ingram:

Thank you for the opportunity to comment on the Draft Strategic Plan, dated March 26, 2012.

Solano County recognizes the important role the Delta Conservancy may play in carrying out its mission to work collaboratively with local communities, as the leader in implementation of required ecosystem restoration activities, and to protect, restore and enhance the Delta's economy, agriculture and working landscapes within the Delta, for the benefit of the Delta region, its local communities, and the citizens of California. Solano County particularly supports the commitment to work in partnership with local communities to preserve the rich agricultural heritage and the economic, recreational and cultural viability of the region. It is refreshing to see the emphasis on working with local communities in the Conservancy's strategies as we are not seeing a similar level of commitment in other Delta Plans and initiatives that are currently in development.

The following goals and supporting objectives proposed by the Conservancy in the draft Strategic Plan serve to enhance and compliment the Solano County guiding principles for plans and projects that may be proposed within the Delta and Suisun Marsh region of Solano County (copy attached).

- **Goal 1:** Establish the Conservancy as a valuable partner with Delta growers, agriculture-related businesses, and residents in protecting and enhancing the Delta's agricultural and working landscapes.
- **Goal 2:** Lead economic enhancement activities that support the Delta ecosystem and economy.

Building & Safety
David Cliche
Building Official

Planning Services
Mike Yankovich
Program Manager

Environmental
Health
Terry Schmidtbauer
Program Manager

Administrative
Services
Suganthi Krishnan
Senior Staff
Analyst

Public Works-
Engineering
Matt Tuggle
Engineering Manager

Public Works-
Operations
Wayne Spencer
Operations Manager

- **Goal 3:** Lead efforts in protecting, enhancing and restoring the Delta ecosystem in coordination with other governmental and non-governmental entities and citizens in the Delta.
- **Goal 4:** Establish the Conservancy as a leader in gathering and communicating scientific and practical information about the Delta ecosystem and economy.
- **Goal 5:** Develop models for Conservancy land acquisition and/or management that prioritize landowner options for economic use of lands.
- **Goal 6:** Develop and implement all Conservancy programs based on principles of collaboration, coordination, appropriate transparency, and efficient use of resources.
- **Goal 7:** Create an effective organization to fulfill the Conservancy's mission and deliver its programs.
- **Goal 8:** Establish a stable, diversified, and self-sustaining funding base for the Conservancy.

There are clearly many variables ahead that will affect the Conservancy's mission and how it will function. Setting forth a set of solid baseline strategies will give the Conservancy a framework for carrying out its work regardless of the ultimate direction that Delta Plans evolve in the coming years.

We look forward to supporting future efforts of the Conservancy, particularly in your work as lead on any ecosystem restoration activities and on enhancing the Delta economy and agricultural base. Should you have any questions, please contact me at (707) 784-6765.

Sincerely,



Bill Emlen, Director
Solano County
Department of Resource Management

Attachments: Solano County Guiding Principles, Dated April 1, 2008

CC: Birgitta Corsello, County Administrator
Linda Seifert, Solano County Supervisor
Jim Spering, Solano County Supervisor
Barbara Kondylis, Solano County Supervisor
John Vasquez, Solano County Supervisor
Mike Reagan, Solano County Supervisor
Cliff Covey, Assistant Director Resource Management
Robert Goulart, Delta Water Program
Mike Hartesty, Reclamation District
David Okita, S. C. W. A.
Steve Chappell, Suisun Resource District

SOLANO COUNTY GUIDING PRINCIPLES FOR USE IN DELTA AND STATEWIDE WATER POLICY DEVELOPMENT

Approved by the Board of Supervisors on April 1, 2008

1. Further Study And Analysis Is Necessary On Delta Water Conveyance Options (Including Through Delta, Dual Conveyance And Isolated Facilities Options) And Impacts Of Ecosystem Restoration Projects.

The Bay-Delta Conservation Planning process, Delta Vision, Public Policy Institute of California, and the Governor have all recommended further study of some type of Delta water conveyance facility to meet the needs of south of Delta and statewide water users. In short, almost every research, public policy-based organization and process is proposing further study and analysis of improvements to Delta water conveyance. It is clear that future water export operations in the Delta will change. The key question is, in what form or fashion, and in what way will the future changes in shape and water conveyance operations and ecosystem restoration projects in the Delta impact Solano County? Unfortunately, the answer is unknown at this time.

The Delta Vision Blue Ribbon Task Force released the first part of a two-part report "Our Vision for the California Delta," which offers a vision for sustainable management of the Sacramento-San Joaquin Delta for 30 to 50 years into the future. Currently this group is developing a strategic plan to implement the Vision. Included in this report were three specific strategy recommendations regarding "conveyance." They are:

- ◇ A revitalized Delta ecosystem will require reduced diversions, or changes in patterns and timing of those diversions, upstream, within the Delta and exported from the Delta at critical times.
- ◇ New facilities for conveyance and storage, and better linkage between the two, are needed to effectively manage California's water resources, the estuary and exports.
- ◇ Major investments in the California Delta and the statewide water management system must be consistent with, and integrate specific policies in this vision. In particular, these strategic investments must strengthen selected levees, improve floodplain management and improve water circulation and quality.

The Task Force also identified Near-Term Actions that must be taken because threats to the Delta and Suisun Marsh are so serious. These focus on preparing for disasters in or around the Delta, protecting its ecosystem and water supply system from urban encroachment, and starting work soon on short-term improvements to both the ecosystem and the water supply system. One specific reference dealing with conveyance is:

- ◇ Improvements in the current water conveyance and groundwater surface water storage systems should be pursued as rapidly as possible by the responsible agencies and departments, upon direction by the Governor.

Therefore, the County should support a position of further study in a show of good faith in the overall process. However, extreme vigilance is recommended with the goal of protecting County prerogatives, rights, financial needs, impacts to its residents,

future Delta governance, and legal options. It is important for the County to be willing to work with others and consider their needs, but the County **must** have its needs met involving future delta activities, landscapes, and operations. Anything less is unacceptable.

2. Seek Full Mitigation Of Negative Impacts To The County, Its Citizens Or Its Economic Well-Being And Ensure That Solano County And Other Delta Community Concerns Have A Standing Equal To Delta Water Export Interests And Ecosystem Improvements.

It is evident that significant impacts could be coming the County's way. These impacts come in the form of lost business opportunity and income, lost tax and assessment revenues, increased compliance costs with endangered species laws, additional strain on local emergency services, changes to transportation routes, changing flood control operations and reliability, and a potential reduction in urban and agricultural water supplies.

Develop Compensation Concepts

It is critical that the County prepare compensation concepts to determine methods of assessing and receiving financial mitigation of various impacts. The County needs to define, quantify, and seek reparations for these losses, with the goal of not incurring new costs already borne by the County, cities, special districts and their residents. Solano County must actively seek mitigation of all negative impacts to its habitat and urban areas, and ensure that other jurisdictions are held financially responsible for any negative impacts. It will be critical to monitor and support legislation that would provide for mitigation to Solano County and its residents as a way of ensuring that Solano County and other Delta community concerns have a standing equal to Delta water export interests and ecosystem improvements.

3. Preserve County Prerogatives, Including Local Land Use Authority, Tax Revenues, Public Health And Safety, Economic Development, Agricultural Stability, And Environmental Protection.

Being vocal on priorities will show others interested in Delta policy that the County must be included when new policies and proposals are considered. Providing written follow-up, when appropriate, will document the County's position on critical issues. This will further the County's desire for a 'seat at the table' and continue to reflect an offensive posture. Seven specific issues should be defended; land use authority, tax, assessment and fee revenues, public health and safety, economic development, agricultural stability, environmental protection, and the Suisun Marsh.

Land Use Authority

One of the greatest threats the County faces is losing its land use authority within the legal Delta region. Consideration should be given to existing authority rather than creating new authority. Existing authority of the Delta Protection Commission (DPC) provides for land use authority oversight (appeal not permitting authority) through county general plans and local governmental representation on the DPC.

The Commission previously provided a letter to Blue Ribbon Task Force that suggested establishing objectives, mandates, benchmarks and timelines through Delta Vision to consider statewide input but then provide authority to carry out through locally driven processes such as DPC.

The Delta Vision identifies eco restoration and water supply as co-equals although there has also been recognition of Delta as place and Delta governance/strategic finance. Control over lands within the County's borders will help continue the primary function of local government – meeting the needs of its citizens and protecting their health and well being. Joining neighboring counties to protect this right should be paramount.

Tax, Assessment and Fee Revenues

Many of the Delta processes and proposals focus on changing land use from private, agricultural, and habitat-based usage to public, habitat-based usage. This will have a negative impact on Solano County and local special district revenues in the short-term with unknown long-term revenue impacts. Concern over the future financial health of the County is not only warranted, but a powerful argument against those seeking to reshape the Delta because of the potentially negative impacts to services provided for County residents.

Public Health and Safety

Public safety is the primary responsibility of County government and could be placed at risk with increased public lands to monitor, impaired capacity and operation of flood control and drainage projects, degraded levee systems (or lack thereof), and increased salinity levels near domestic and agricultural water supplies. The re-wilding of lands near urbanized centers will increase public health threats from expanding mosquito populations and increased vector control costs to control the spread of these populations. It will be important to determine how the County and local governments will pay for increased law enforcement patrols, emergency response, water supply and treatment costs, and the control of elevated public health threats directly and indirectly related to the loss of revenue as a result of land use conversions and modifications.

Economic Development

It is in the interest of and the obligation of Solano County to ensure that sufficient venues remain available for the retention and expansion of existing businesses and new ventures to meet projected employment and economic development needs. To this end, the County has focused the update of its General Plan to improve the viability of agriculture and to provide targeted areas for employers that are not appropriate for urban settings. Many of the Delta proposals would compromise this strategy and the county's agriculture industry, which also serves as the mainstay of the urban separators that contribute significantly to the county's quality of life.

Agricultural Stability

Protection of Solano County's Farm Gate stability is critical. According to the County's Agricultural Commissioner's annual report, Solano County had 360,562 acres that were under agricultural production in 2006. This agriculture generated approximately \$233 million in commodity sales in 2006. Solano County must be fully compensated for any negative impacts to its agricultural resources.

Environmental Protection

Solano County seeks to balance human and environmental needs in support of its diverse land uses that include farmlands and approximately 80 square miles of water. The citizens of this County made a very public commitment to protecting our environment over 20 years ago with an Orderly Growth Initiative that has ensured the continued prosperity and sustainability of open spaces and active agriculture lands. The County is in the process of a General Plan update that will ensure these long-established set of values are not compromised. Many of the Delta proposals will impact the County's ability to sustain those environmental objectives.

Suisun Marsh

The County remains very concerned with impacts on the Suisun Marsh and its natural habitat and wants to ensure that future action is consistent with the Suisun Marsh Preservation Act and the Suisun Marsh Plan which covers marshlands, bays and sloughs in the waters surrounding the marsh. This means providing for adequate water quality, exercising sound water management practices including drainage within the Marsh, providing the production of valuable waterfowl plant foods and future supplemental fresh water supply.

4. Secure Financial Support For Infrastructure Needs, Including Transportation Corridors, Levees/Flood Control/Storage, Water Delivery Systems, And Improved Emergency Response.

Many of the processes and proposals envision a reshaping of the current Delta landscape and replacing with it with what is anticipated to be a more dynamic, resilient, and sustainable environment. If these processes prove financially detrimental to the County, it will be critical to quantify and recoup any loss. Infrastructure components continue to play a vitally important part in a "new" Delta by providing the necessary access and movement of goods throughout the area, agricultural support services, and recreational opportunities while also protecting the remaining features from deadly flooding and salinity intrusion. It should be a Board priority to support the retention and improvement of remaining infrastructure components so vital to a properly functioning Delta, not only because of the benefits it provides to the County, but for statewide priorities (water transfers) these protect. Three areas of infrastructure improvements should be pursued; Transportation Corridors, Levees/Flood Control/Storage, and Water Delivery Systems.

Transportation Corridors

Roads, highways, and shipping channels are vital to inter-County mobility, public safety, a healthy business climate, recreation, and agricultural vitality throughout the County. Highway 12 is a prime example of a transportation corridor that supports commerce, emergency response, and circulation in the County, but also transects the Delta. Other routes of north-south and east-west mobility are Highway 113 and Interstate 80, respectively. Ensuring these three routes are operational is not only important for economics and emergency preparedness, but also for the military readiness of this country. Travis Air Force Base is vital to this area. By having adequate interconnectivity on adjacent transportation corridors, Travis can be maximized for military and humanitarian efforts when needed. Maintaining and improving these routes is vital and funding opportunities should be pursued.

Levees/Flood Control/Storage

Projects and activities that have the effect of altering flood hydraulics and hydrology must, as a component of those projects and activities, provide protective mitigation to Solano County lands and populations. Maintaining the capacity and functionality of flood control systems surrounding and protecting the residents of the County is necessary for the protection of life and property. The ability of the local communities and Reclamation Districts to maintain and operate these structures is in direct correlation to the financial ability of having the tax and assessment base to fund the required work and to leverage State and Federal funds for maintenance and improvements. This highlights the County's need to maintain a healthy revenue stream.

Another impact to these facilities is endangered species issues that can limit and sometime prohibit the maintaining entity from performing needed work in a cost-effective way. Obtaining ESA take authority, as a component of the ongoing Bay Delta Conservation Plan, and reliable and reasonable Endangered Species Act (ESA) "safe harbor" protection that applies to all parties along with financial resources to ensure that required facilities are properly maintained and operated is critical to the overall protection of county residents, property and commerce.

Levees are also vital for rural communities and as a defense for agricultural and salt water intrusion. Consideration should be given to the needs for dredging and reuse of material. Federal funding is frequently unreliable for flood control projects. It is therefore critical that the County identify and secure reliable and sustainable funding sources that are accessible to local government.

Small storage reservoirs, or "detention basins," strategically located throughout the County can help level off high stream flows during storm events to reduce flooding. An additional benefit of constructing such facilities is the reduced storm flows that can overburden and overtop wastewater treatment plants, which impairs local water bodies and possibly contaminate drinking water sources. Some municipalities are in the process of building or have already built these types of facilities and should be supported where reasonable.

Water Delivery Systems

Changes in Delta operations will require the County receive a reliable water supply, both in terms quantity and quality. The major cities in the county (and Napa County) receive water from the State Water Project (SWP) through the North Bay Aqueduct (NBA). The pumping plant intake to the NBA is located in a slough in eastern Solano County. Additionally, tens of thousands of acres in eastern Solano County are wholly dependent on Delta water supplies for agricultural uses.

All the recent Delta studies and programs see these agricultural areas in eastern Solano County as prime candidate lands for habitat restoration for the benefit of threatened and endangered species that are in decline in the Delta. However, creating environments for threatened and endangered species to thrive so close to critical water supplies for the County will only increase operating difficulties for urban water suppliers and threaten a critical mass of Solano agriculture in the immediate future. Therefore, alternatives need to include solutions that protect the continued operation and financial viability of the NBA, agricultural intakes in the northwest Delta and the managed wetlands in Suisun Marsh. These solutions should be funded and maintained with financial resources provided by those restoration projects and their sponsoring beneficiaries, coupled with

ESA take authority, as a component of the ongoing Bay Delta Conservation Plan, and reliable and reasonable “ESA safe harbor” provisions for continued NBA and agricultural operations in Solano County. Changes in the Delta will have an adverse water quality impact on the NBA (but not on agricultural divisions).

Improved Emergency Response

Department of Water Resources (DWR), Army Corps of Engineers, and Sacramento District must deploy a robust command and control, maintenance and repair capability. The State and counties should coordinate with local agencies to ensure that equipment and supplies (earth moving equipment and supplies of rock/sand) are continuously available at locations throughout the Central Valley to enable agencies to respond rapidly to flood threats and levees that are threatened with failure. Continue to establish and maintain stockpiles of the necessary supplies.

Coordination is essential between all the organizations of the government and exercises and training to prepare for emergency response must be incorporated into business plans.

5. Ensure The County Is A Voting Member Of Any Delta Governance Structure And That Locally Elected Representatives Are A Majority Of The Leaders.

Taking an active and engaged position in multiple, strategically selected policy development arenas allows the County to “have a seat at the table” and minimizes or prevents the County from needing to take a defensive posture. When participating in policy development arenas, three specific areas that should be pursued are Delta processes, State and Federal Legislatures, and the California water community.

Delta Processes

The County is becoming actively engaged in many Delta processes and proposals, through consultants, County staff, elected officials, and governmental entities the County has membership in (Delta Protection Commission [DPC], Solano County Water Agency [SCWA], Solano City County Coordinating Council [SCCCC]). Efforts should continue with meeting attendance, comments to programs and proposals, coordination amongst County consultants and staff, and discussion of County positions within the DPC, SCWA, and Solano CCCC. This will also allow the County to communicate and educate its residents on the current and future importance of these matters. The County should consider the use of additional resources, as they may become available, such as the California State Association of Counties, League of California Cities, California Central Valley Flood Control Association, and the Association of California Water Agencies to advance its policy positions.

State and Federal Legislatures and Agencies

Utilizing the County’s Legislative Advocates, seek meetings with State and Federal elected officials to explain the County’s concerns regarding impacts from Delta processes and programs. This will allow for direct communication with decision-makers in Sacramento and Washington, D.C., which steer State and Federal agencies’ future policies and regulations. An effort to influence State and Federal senior staff employees at the policy and decision-making level should be considered an essential component of this effort.

California Water Community

One-on-one meetings with individual water districts, especially the so-called “water export community,” will show the County is serious in protecting its rights and citizens from adverse decisions regarding the future shape of the Delta, while also facilitating relationships with those who seek water from Northern California. These efforts should be coordinated with SCWA’s existing relationships with the California water community. The County should evaluate the potential to establish strategic alliances with other Delta and Delta tributary counties that can strengthen the message on common interests and positions.

6. Utilize Legal Standing For Any And All Proposals And Programs That Directly Or Indirectly Impact The County, Its Citizens Or Its Economic Well-Being.

While still unclear, the County will need to preserve its legal standing in a few specific areas if it hopes to achieve success in current Delta discussions. These areas are water rights, area-of-origin and Delta protection statutes, and salinity standards.

Water Rights

The County Supervisors are members of the Solano County Water Agency Board of Directors (SCWA). A substantial portion of Solano County is within the Sacramento River watershed and a substantial portion is within the legally defined Delta, wherein future water use needs are statutorily superior to export needs. Additional protections apply to the statutory Delta. Protection of the County’s ability to secure and defend its area-of-origin rights to water is essential for future growth and prosperity. These rights and the existing appropriative and riparian rights within the county should be well understood and vigorously defended by the County. These existing statutory, contractual, and constitutional water right protections accrue to the benefit of Solano County, its residents and businesses. Proposals to realign and modify these protections and priorities have the potential to cause serious social and economic damage to the County.

Working with SCWA and other water right holders within its borders, the County should seek to perfect these rights and act diligently to maintain their specified quantities, without reduction. Solano County will vigorously defend the statutory protections afforded the County, its cities, districts and residents.

Area-of-Origin and Delta Protection Statutes

Area-of-Origin is a tenant of California’s water law that in essence allows those in the area-of-origin to obtain additional water if their needs warrant at the expense of existing water users. The County is part of the Sacramento River watershed and has rights for additional supplies for future growth and prosperity, and should support others within the area-of-origin in their claims for additional supplies. While the area-of-origin concept has not truly been tested in the courts, it should be carefully watched and monitored. There may also be a movement in the State Legislature to change the area-of-origin statute. The County would be well served to oppose any and all attempts to change the law. The Delta is provided an additional level of statutory protection, California Water Code (CWC) §12201, 12202, 12203, 12204 & 12205, collectively part of the Delta statutes.

Salinity Standards

High levels of salinity impacts drinking water, agricultural production and certain types of natural habitats, and has also been of great concern to county residents. State and Federal water operations are currently dictated by the amount of salinity within certain areas of the Delta CWC §12202. These standards are constantly being debated by various water interests (exporters, environmentalists, delta counties, etc.) but ultimately, the Legislature and State Water Quality Control Board holds the power to dictate the acceptable levels. Certain County water users also possess contractual protection of water at a specified quality as measured by various levels of salinity, i.e. North Delta Water Agency Agreement with the California Department of Water Resources. As such, Solano County should seek to coordinate with County entities that are directly impacted by salinity and seek a unified position on appropriate salinity levels for County users.

CONCLUSION

Adopting the six Guiding Principles will allow the County to be well placed to obtain lost resources and be held harmless with whatever proposals and processes emerge from future Delta discussions. This body certainly has every right to demand concessions of those who seek to irreparably change the lives and livelihoods of Solano County's residents.